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September 7, 2000

VIA FACSIMILE AND FIRST-CLASS MAIL

*Send copy
to Max*

Ms. Barbara Trejo
Toxics Cleanup Program
Department of Ecology
3190 - 160th Ave. S.E.
Bellevue, WA 98008-5452

Re: Long Painting Company
Proposed Neighborhood Sampling Plan

Dear Ms. Trejo:

We represent Long Painting Company regarding environmental issues related to its facility at 8025 10th Avenue South in Seattle.

Your letter to Mr. Vance dated August 28, 2000, enclosed a draft plan for Ecology's proposed surface soil sampling of properties in the vicinity of Long Painting. Ecology has stated that it intends to undertake this sampling "in response to citizen concerns regarding possible metal contamination of soils at residential and park properties in the vicinity of the Long Painting Company."

Under separate cover, via messenger, you will receive today a copy of the final site investigation report dated September 7, 2000, prepared by Kleinfelder, Inc. for the Long Painting Company site. We believe Ecology should take the results of this report into consideration before it proceeds with surface soil sampling in the South Park neighborhood.

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The following additional concerns are offered for your consideration prior to Ecology's issuance of a final plan for the proposed surface soil sampling.

1. We are concerned about the references to the "Long Painting Company neighborhood" throughout the draft sampling plan documents. This is not an insignificant labeling issue for Long Painting. We are not aware of another instance in which Ecology has directed an area-wide sampling project and labeled the project using the name of only one business in the area. Identifying only one business ignores that fact that there are dozens of business and industrial activities in this area. The numerous references to the "Long Painting Company neighborhood" imply that Long Painting would be deemed responsible for any elevated metals found as a result of this sampling. We strongly urge that a more objective description of the proposed sampling plan be used that would take account of the fact that there are numerous other potential industrial sources of contamination in this area. We request that Ecology use the term "South Park Neighborhood sampling plan."

2. It appears that the sampling is being undertaken in response to anecdotal reports of releases of contaminants (citizen complaints). It does not appear that Ecology has made an independent evaluation of the basis for these complaints. The sampling plan suggests that citizens have articulated to Ecology concerns about "possible metal contamination of soils." We request that Ecology review and evaluate these alleged complaints to see if they provide an objective basis for the proposed sampling. We would also appreciate at least a brief summary of the number and nature of the alleged complaints and when they were received.

3. The sampling plan does not discuss Ecology's proposed process for reviewing, interpreting and using the sampling results. For example, there is no reference to MTCA Method A soil cleanup levels. Nor is there any discussion of how elevated concentration levels would be identified and linked to specific potential sources in the vicinity.

4. Ecology should clarify how other potential sources of metal contamination will be evaluated (for example, fertilizers containing high levels of heavy metals, moss killers that frequently contain high concentrations of zinc, historical use of leaded gasoline products, elevated background levels of arsenic, and other uses and practices in the vicinity which could have resulted in elevated background concentrations of heavy metals).

5. Your August 28, 2000 letter to Mr. Vance referred to Ecology's intent to discuss the proposed sampling plan with the community. We believe it would be appropriate for Long Painting Company to have a similar opportunity to meet with Ecology to discuss the plan. In addition, since Long Painting Company is part of this community, we believe it would be appropriate for Long Painting Company representatives to receive notice of the proposed community meeting. We also request that other businesses in the area be provided notice of the proposed sampling plan and an opportunity to participate in the community meeting.

Ms. Barbara Trejo

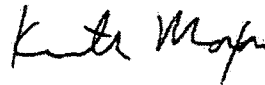
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September 7, 2000

6. Finally, we request that at least one Long Painting Company representative have the opportunity to accompany the Public Health - Seattle and King County ("PHSKC") representatives who will be undertaking the sampling. We request that Long Painting Company be provided at least 48 hours notice prior to the sampling, so that arrangements can be made for its consultant to accompany PHSKC representatives to document the sampling locations and procedures.

Thank you for your attention to these comments. We appreciate the opportunity to review the proposed sampling plan documents, and we look forward to receiving your response to these comments.

Very truly yours,



Keith E. Moxon

KEM:mlb

cc: Mike Cassidy
Brian Vance
Scott Dwyer
Pete Gulick